

HOUSE JOINT RESOLUTION 8
By Buck

A RESOLUTION to create a special joint committee to study bail bonds and recognizances and the forfeiture of bail bonds and recognizances.

WHEREAS, Tennessee Code Annotated, Section 40-11-204, gives the Supreme Court, circuit courts, criminal courts and certain city courts the authority to lessen or to absolutely remit forfeiture of bail bonds and recognizances; and

WHEREAS, on August 20, 1996, the Attorney General opined that based upon the natural and ordinary meaning of the language used in the statute, Tennessee Code Annotated, Section 40-11-204 does not grant general sessions courts the same authority to lessen or to absolutely remit such forfeitures (Opinion No. 96-105); and

WHEREAS, there is a growing consensus among the legal and judicial communities that general sessions courts should be granted the same authority as other Tennessee courts to lessen or to absolutely remit forfeitures of bail bonds and recognizances; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to study remittance of forfeited bail bonds and recognizances and the authority of certain courts to grant such relief.

BE IT FURTHER RESOLVED, That the committee shall consist of four (4) members of the House of Representatives, two (2) of whom shall be members of the House Judiciary Committee, to be appointed by the Speaker of the House of Representatives and four (4)

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members of the Senate, two (2) of whom shall be members of the Senate Judiciary Committee, to be appointed by the Speaker of the Senate.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, That all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the special joint committee shall timely report its findings, including any proposed legislation or interim reports, to the One Hundredth General Assembly no later than February 1, 1998, at which time the committee shall cease to exist.